

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings of claims in the application:

Listing of Claims:

1-28. (canceled)

29. (currently amended) A method of inspecting a sample, comprising:
illuminating a sample with an illumination light through an object lens;
detecting an image of the sample by capturing with a detector light from the
sample illuminated by the illumination light;
[[comprising]] comparing said detected image with a reference image stored in
a memory; and
detecting a defect of the sample from the compared detected image and the
reference image,
wherein in the step of detecting said [[captured]] light from the sample
includes ~~reflected light and diffracted light from the sample and~~ reducing an amplitude of the
[[reflected]] light is ~~decreased between the sample and the detector~~ from the sample.

30. (previously presented) A method of inspecting a sample according to
the claim 29, wherein said illumination light for illumination said sample is a polarized light.

31. (previously presented) A method of inspecting a sample according to
the claim 30, wherein said illumination light for illumination said sample is an elliptically
polarized light.

32. (previously presented) A method of inspecting a sample according to
the claim 30, wherein the amplitude of said reflected light is decreased by a phase difference
plate.

33. (previously presented) A method of inspecting a sample, comprising:
illuminating a light on a sample on which a pattern is formed;

forming a diffraction light pattern image with a diffraction light diffracted from the pattern by the illumination;
detecting the diffraction light pattern image with a sensor;
comparing said detected image with a reference image stored in a memory;
and

detecting a deficit of a sample from the compared detected image and the reference image,

wherein in the step of forming a diffraction light pattern image, said diffraction light includes a 0-th order diffraction light and a high order diffraction light and an amplitude of the 0-th order diffraction light is controlled.

34. (previously presented) A method of inspecting a sample according to the claim 33, wherein said light for illumination said sample is a polarized light.

35. (previously presented) A method of inspecting a sample according to the claim 34, wherein said light for illumination said sample is an elliptically polarized light.

36. (previously presented) A method of inspecting a sample according to the claim 34, wherein said 0-th order diffraction light is controlled to decrease the amplitude by a phase difference plate.

37. (currently amended) An apparatus for inspecting a sample comprising:
an illuminating unit which illuminates a sample with an illumination light through an object lens;

a detecting unit which detects an image of the sample by capturing with a detector light from the sample illuminated by the illumination light;

an image comparing unit which compares said detected image with a reference image stored in a memory; and

a detecting unit which detects a defect of the sample from the compared detected image and the reference image,

wherein said detecting unit has a controller which controls an amplitude of a ~~reflected light included in~~ said light from the sample.

38. (previously presented) An apparatus according to the claim 37, wherein said illuminating unit illuminates said sample with an elliptically polarized light.

39. (previously presented) An apparatus according to the claim 37, wherein said controller of said illuminating unit decreases an amplitude of said reflected light.

40. (currently amended) An apparatus for inspecting a sample, comprising:
an illuminating unit which illuminates a light on a sample on which a pattern is formed;
a detection optical unit which forms a [[diffraction]] light pattern image with a [[diffraction]] light [[diffracted]] from the [[pattern by the illumination]] sample illuminated by said illuminating unit;
a detector which detects the [[diffraction]] light pattern image with a sensor;
an image comparing unit which compares said detected light pattern image with a reference image stored in a memory; and
a defect detecting unit which detects a defect of the sample from the compared detected light pattern image and the reference image,
wherein said detection optical unit has a controller which controls an amplitude of a 0-th order diffraction light diffracted from the pattern on the sample.

41. (previously presented) An apparatus according to the claim 40, wherein said illuminating unit illuminates said sample with an elliptically polarized light.

42. (previously presented) An apparatus according to the claim 40, wherein said controller of said illuminating unit decreases an amplitude of said 0-th order diffraction light.